IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA,)	
DI :)	
Plaintiff,)	
)	08-00226-01-CR-W-HFS
v.)	
)	
JOSHUA D. STAPLETON,)	
Defendant.)	

MEMORANDUM OF MATTERS DISCUSSED AND ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGE: On August 19, 2008, the Grand Jury returned a one count indictment against Joshua D. Stapleton. The indictment charges that on or about July 25, 2008, defendant Stapleton, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit; a Norinco model 213 semi-automatic, 9mm.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Patrick Daly

Case Agent: ATF SA Teddy Horton

Defense: Steve Moss & Julie Eilers, Investigator

OUTSTANDING MOTIONS: On January 14, 2009, government counsel filed a 404(b) notice. Defense counsel advised he will be filing an opposition to the notice.

TRIAL WITNESSES:

Government: 9-15 with stipulations; 30 without stipulations

Defendants: 5 witnesses; defendant may testify

TRIAL EXHIBITS

Government: 22 exhibits, mostly photos

Defendant: Less than 10 exhibits for defendant

DEFENSES: General denial

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 2 ½-3 days

Government's case including jury selection: 2 days

Defense case: ½ day

STIPULATIONS: Interstate nexus of the firearm, operability of the firearm, prior felony

convictions, and several exhibits.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Has filed their lists.

Defense: Will file by January 23, 2009.

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, February 4, 2009

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: None

TRIAL SETTING: Criminal jury trial docket commencing February 9, 2009.

Please note: Government counsel requests the second week of the docket because one of the law enforcement witnesses is unavailable the first week of the docket. Defense counsel does not object to this request.

IT IS SO ORDERED.

/s/ Sarah W. Hays SARAH W. HAYS UNITED STATES MAGISTRATE JUDGE